



BOARD OF SELECTMEN
TOWN OF TEWKSBURY
TOWN HALL
1009 MAIN ST
TEWKSBURY, MASSACHUSETTS 01876

TODD R. JOHNSON, CHAIRMAN
BRUCE PANILAITIS, Ph.D., VICE CHAIRMAN
MARK S. KRATMAN, CLERK
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MEETING MINUTES
DECEMBER 15, 2015

The Chair opened the meeting for regular session at 7:00 p.m. Present for the Board of Selectmen were Todd Johnson, Chair; Mark Kratman, Clerk; James Wentworth, Board Member; and Richard Montuori, Town Manager. David Gay, Board Member was absent due to an unexpected emergency and Bruce Panilaitis, Vice Chair arrived late.

Tewksbury Wilmington Elks –Change of Manager Request

Eileen Caulfield, a resident of Medford, was present for this hearing. She is the current manager of the Tewksbury Wilmington Elks. The updated officers and directors list was presented to the board along with the change of manager request. There were no questions from the Selectmen on this application. Ms. Caulfield has experience being a manager since June 2014. She also explained there was a glitch in the ABCC's computer system with the paperwork submitted not matching. The updated list of the Board of Directors and Officers was the key.

MOTION: Mr. Kratman made the motion to approve Tewksbury Wilmington Elks Change of Manager Request as presented; seconded by Mr. Wentworth and the motion carried 3-0.

The Selectmen executed Form 43 for the ABCC on this matter.

Denise Graffeo, Town Clerk – Precinct Location Change

Town Clerk Graffeo is requesting the Selectmen to approve a change in voting location. In a memo dated December 10, 2015 and in accordance with Mass General Laws Chapter 54, Section 7. Approval is necessary to change voting location of the Lowell Assembly of God to the newly renovated Tewksbury Town Hall for Precincts 3 and 3A. Since 2012 the Lowell Assembly of God has graciously allowed voting to take place while the town hall has been renovated. Now that renovations are completed, elections will be held in public buildings for all precincts.

MOTION: Mr. Wentworth made the motion to accept the proposed change in voting location for Precinct 3 and 3A to be held going forward at the Tewksbury Town Hall; seconded by Mr. Kratman and the motion carried 3-0.

Vote was formally executed by the Selectmen.

Mr. Panilaitis arrived at 7:10 p.m.

New Year's Eve Hours

Under Section 12 of the (on premise) license the Selectmen have established a policy that bars will be closed at 12:45 a.m., consumption period will be until 1:15 a.m. and all patrons will be off premises at 1:30 a.m. The establishments will be closed with employees off premises by 2:00 a.m.

MOTION: Mr. Kratman made the motion to approve the to authorize the New Year's Eve hours as presented; seconded by Mr. Wentworth and the motion carried 4-0.

Michael Merrill – Disclosure by Municipal Employee – Snow Plowing

Mr. Michael B. Merrill, a non-elected official as a Tewksbury Firefighter is disclosing his contract to snowplow for the Tewksbury Department of Public Works. These services will be provided outside his normal working hours as a municipal employee, the services are not required as part of his regular duties as a municipal employee, and he will not be compensated for more than 500 hours during a calendar year. An advertisement has been posted for this position.

Mr. Johnson noted the Board has approved this request in the past. The Board asked for information if approved in past does this need annual approval. Mr. Montuori will confirm.

MOTION: Mr. Wentworth made the motion to accept the disclosure provided by Mr. Michael B. Merrill as presented; seconded by Mr. Panilaitis and the motion carried 4-0.

Outstanding Taxes for Licensees

The Selectmen tabled at their last meeting approval of all license renewals for Capellini's, French's, Orange Leaf and Mavericks. All four businesses have paid their bills and are current.

MOTION: Mr. Wentworth made the motion to take off the table the licenses for Capellini's Restaurant, French's Catering, Orange Leaf and Maverick's Restaurant and Lounge; seconded by Mr. Kratman and the motion carried 4-0.

MOTION: Mr. Wentworth made the motion to approve all licenses for Capellini's Restaurant, French's Catering, Orange Leaf and Maverick's Restaurant and Lounge; seconded by Mr. Kratman and the motion carried 4-0.

Don McElroy, EPA—Sutton Brook Update

Mr. McElroy gave the Selectmen an update on the Sutton Brook project. He noted the project is at the substantial completion stage of construction. He compared this stage to building a house and the schedule is at the finishing stage. Completion should be mid-2016. He gave a brief PowerPoint presentation.

When asked where the budget is in terms of what was estimated, Mr. McElroy stated the EPA doesn't own and is not aware of the billings. Mr. Montuori noted the initial projection for cost of construction came in less. There has been very good collaboration with construction team. It was projected there were 16,000 truck trips and the numbers Mr. Elroy presented support that. During the project there were very little conversations from residents on the activity in the area.

With this extensive travel of the trucks on these roads, the Selectmen asked how the town insures the integrity of the roads used during the project. Mr. Elroy noted this question was discussed during design. There is a process in place within the scope of work to make corrections as needed. The route was videotaped and there is an agreement that the roads will be brought back up to their original state. The process is just starting and will be analyzed. There was a complaint from a resident with an issue at end of the resident's driveway and the contractor did a complete patching.

The Town of Tewksbury did take on the maintenance of the property with an agreed upon O&M Plan. The O&M Plan will be put in place once complete.

There was discussion on the topic of solar farms. Mr. Montuori is still working this through and is waiting for legislature to pass.

Water monitoring will be paid for by the PRP group. Estimate of clean up was \$30M and \$6M designated for O&M costs. These amounts were built into original settlement. The team is monitoring a long list of contaminants. The ground water is being heavily monitored by the brook nearby. There are still some wells which can be monitored in addition to the brook. The obligation to continue to monitor until clean-up levels are reached could be up to 60 years.

Solar has been one option for the land use. This is the only option for the land. It is a big hill and stability would be an issue. It is not designed for any other uses.

At this time there is no private well monitoring. Mr. McElroy noted a few hundred leaflets went out to surrounding streets asking residents if they would be willing to have their water monitored. There were five responses and the EPA is hoping to work with all of them.

Tim Broadrick, Superintendent of Shawsheen Tech; Shawsheen Tech Athletic Fields

Superintendent Broadrick was not able to make it tonight. The Town Manager discussed this topic in his report.

Residents

The Chair called for residents to come before the Selectmen. There were no residents in the audience who came forward to speak.

Town Manager

Community Compact Filing

Community Compact submitted by Mr. Steve Sadwick. It is a program launched by the Baker Administration this year. This program is collaboration between the state and local governments to voluntarily share in best practices in education, financial management, energy management, regionalization, transportation, housing and economic development, information technology, etc. There are subsets in these best practices that are unique to the communities participating and would be achieved within a two year period. Many of the best practices have already been initiated by the town, and so it was difficult to decide which ones would be presented to the administration for approval. One is specific to the town and one is for regionalization. He is asking the board to approve two compacts. If approved by the

Selectmen, these best practices will be presented to the administration for approval. If approved, these will go into grant approval with the Commonwealth in order for these initiatives to be achieved. If you apply for the grants will received additional points by the Commonwealth.

The first Community Compact is for transportation best practice for regionalization and shared services. Middlesex 3 consists of Tewksbury, Billerica, Bedford, Burlington, Chelmsford, Lexington, Westford and Lowell. The Middlesex 3 Coalition communities are faced with transportation challenges. We plan to enter into a regional community compact to address these challenges. Significant economic activities take place along the Route 3 corridor. Employees often come from the northern Middlesex 3 corridor to the southern M3 corridor. While these areas are close in proximity, public transportation is limited due to schedules and the funding structure. This is partly because there is an artificial boundary separating two regional transit authorities (RTAs). The result has been a public transportation system that is stymied by funding as it is focused on miles driven within each RTA and not on actual usage, demand, or regional needs across the two RTAs. The Middlesex 3 Transportation Community Compact would tackle this interregional issue that has constrained our region's economy and public transportation system and usage. This would be accomplished through continued discussions with the two local RTAs, the Northern Middlesex Council of Governments, the Metropolitan Area Planning Council, the Central Transportation Planning staff and federal and private transportation resources. The Middlesex 3 Transportation Community Compact aims to address the real and current public transportation needs of the residents and employers in our region that are not currently being addressed.

The second Community Compact is for Route 38 improvements and will be submitted under a Housing and Economic Development best practice. There is administrative ability to partner with private, public and non-profits sectors organizations in order to advance the housing and economic development vision and goals of the community as evidence in the successful completion of public, private and non-profit projects. We will partner with those identified sectors to advance housing and economic development by placing a concentrated effort on leveraging the critical resources placed on Route 38 upgrades.

Mr. Sadwick will complete and submit both of these for approval before year end, pending approval by the Board of Selectmen.

The Selectmen were in full support of these initiatives as these are among the top priorities of the Board and were not able to accomplish due to limited funding.

MOTION: Mr. Panilaitis made the motion to approve both Community Compact filings as presented by the Town Manager; seconded by Mr. Kratman and the motion carried 4-0.

Lynne's Way Open Space

The open space which is part of Pinnacle Crossing Development has not been transferred to the Town. The transfer should be complete by December 31 for tax purposes. Mr. Sadwick, Mr. Boyd and Mrs. Foley are requesting the Selectmen vote to accept this parcel Map 77, Lot 21 as a land for conservation purposes and will be under the jurisdiction of the Conservation Commission as of December 15, 2015; contingent upon an affirmative vote of the Conservation Commission of the trustees of Pinnacle Crossing.

MOTION: Mr. Wentworth made the motion to accept the parcel of Map 77, Lot 21 to be placed under the jurisdiction of the Conservation Commission contingent upon an

affirmative vote of the Conservation Commission of the trustees of Pinnacle Crossing; seconded by Mr. Panilaitis and the motion carried 4-0.

Other Business

- FY 17 Budgets are due tomorrow and the new budget process is underway and should have budgets ready by mid-January
- Tennessee Gas submission to FERC. Tewksbury has until January 6 to submit for intervenor status, which Mr. Montuori will do this week. He is in discussions with Beverly Woods regarding language for a letter to submit. Not sure if intervenor status is needed with proposed changes to the pipeline route, but Mr. Montuori will research before submitting. The proposed route change came from FERC not Kinder Morgan and would be brought through the electrical easements through Tewksbury up to Dracut. It was requested that Mr. Montuori include the I-90 proposed path in the letter submitted.

MOTION: Mr. Panilaitis made the motion for the Town Manager to pursue intervenor status and alter or add to this status due to any recent changes by FERC; seconded by Mr. Wentworth and the motion carried 4-0.

- Punch list items are still being taken care of in the town hall. The carpet and flooring has been rejected and all will be replaced. Working on Verizon/Comcast technology, soon to be resolved. Training on HVAC system took place today. Open house was a success.
- A letter was received by the Superintendent of Shawsheen Tech on November 30, 2015 regarding the athletic fields. A vote was taken by the Shawsheen Tech School Committee, unanimously, to approve the financing of \$6,055,000 over 15 years to install a new field. Project consists of three phases and is accompanied by a master plan. It will include the football field, the baseball field, tennis courts, and other fields at complex. First phase is baseball and tennis and new synthetic football field .at 5.8M and will include seating and lighting and new track reconstruction. The second phase will demolish the old baseball field and tennis courts and install two grass fields. Phase three will install a softball field and reconstruct a rectangular field. Cost to the town in FY17 is \$10,987; in FY18 is \$19,352; in FY19 is \$18453; in FY20 is \$961 and in FY21 is \$721. The Town Managers met to discuss the proposal. Mr. Montuori feels this is a good project to invest in. There is no vote required unless the Selectmen would like to call a town meeting to disapprove the project. On average there are about 400 students who attend the Shawsheen Tech per year from Tewksbury and most do participate in sports program. There was a call for a vote by the Chair, and no motion was raised.

Outstanding Minutes: November 17 (reg. sess.) December 1 (reg. & exec. sess.)

MOTION: Mr. Kratman made the motion to approve the minutes of November 17 (regular session) December 1 (regular & executive session); seconded by Mr. Wentworth and the motion carried 4-0.

Board Member Reports

Bruce Panilaitis

- Town Center Master Plan Committee and Economic Development Committee have not met and will likely not meet until after the first of the year.

Mark Kratman

- Beautification Committee meeting was held on December 8th, working on promoting Adopt an Island program.
- Spring Clean-up scheduled for May 14, 2016.

James Wentworth

- Community Preservation will be meeting in the next month to continue discussions about Long Pond
- Note on Beautification Committee that the Wentworth family noticed the electrical boxes along Route 28 in Stoneham and would like to see if the committee can look into doing more along Route 38 in Tewksbury; Mr. Kratman noted that not all portions of Route 28 are controlled by the State and some portions are under the Town of Stoneham jurisdiction...

David Gay

- Not present this evening.

Todd Johnson

- Encouraged residents to visit the Board and Committee openings for the town; currently there are the following openings: 1 position for Council on Aging for a 5-year term to begin on January 1, 2016; 2 openings on the Finance Committee; 5 openings on the Open Space and Recreation Committee; 3 openings on the Zoning Bylaw Committee; all positions are posted.
- Applications have been received from Donald Martel for the Recycling Committee and Audrey Kelly for the Beautification Committee. These were tabled until tonight's meeting to allow for more applicants to apply. One application was received from Karen Cintolo for the Beautification Committee and has two openings. There is also more than one opening on the Recycling Committee. Mr. Johnson was asking for a vote on these applications.

MOTION: Mr. Kratman made the motion to approve Karen Cintolo and Audrey Kelly to the Tewksbury Beautification Committee through June 30, 2016; seconded by Mr. Wentworth and the motion carried 4-0.

MOTION: Mr. Panilaitis made the motion to approve Donald Martel to the Tewksbury Recycling Committee through the end of the term which has been vacated as of today; seconded by Mr. Wentworth and the motion carried 4-0.

- The Selectmen discussed having a deadline to submit applications for the next year's positions as of March 31st in order to allow time for the interview process to begin for new members.

MOTION: Mr. Kratman made the motion for all applications to Selectmen appointed committees are received by March 31 of the current year; seconded by Mr. Wentworth and the motion carried 4-0.

- Thanked the team at the town hall for a smooth move and a gracious open house last week.

Executive Session – Contract Negotiations

The Selectmen entered into executive session to conduct an item of contract negotiations. Because discussion of these matters in open session would be detrimental to the town's interest, the Chair requested a motion to move to executive session.

MOTION: Mr. Panilaitis made the motion for the Board to enter into Executive Session; Mr. Kratman seconded the motion, and on a roll call vote, Mr. Panilaitis, Mr. Kratman, Mr. Wentworth, and Mr. Johnson vote in favor. The motion was unanimous at 8:55 p.m.

At the conclusion of executive session no further business will be discussed.

The next regular scheduled Selectmen's meeting will be held on January 12, 2016 at 7:00 p.m.

Adjournment

MOTION: Mr. Wentworth made the motion to adjourn at 8:55 p.m.; Mr. Kratman seconded, and the motion was unanimous.

Approved by the Board of Selectmen on January 26, 2016